

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

VINCENT DARNELL COSEY,

Petitioner,

v.

WILLIAM J. POLLARD,

Respondent.

Case No. 18-CV-2001-JPS

ORDER

On December 20, 2018, Magistrate Judge Nancy Joseph issued a recommendation to this Court that this action be dismissed without prejudice for want of jurisdiction, and that Petitioner be denied a certificate of appealability. (Docket #7). Magistrate Joseph's recommendation was based on the fact that this action is Petitioner's second federal habeas petition, but he has not received the required authorization for such a filing from the Seventh Circuit Court of Appeals. *Id.*; 28 U.S.C. § 2255(b)(3)(A). Indeed, Petitioner recognized the need for authorization because he filed a motion to allow the instant petition. (Docket #2). The time for objecting to the magistrate's recommendation has passed and none has been received. *See* Fed. R. Civ. P. 72; Gen. L. R. 72(c). The Court has considered the recommendation and, in light of its agreement with Magistrate Joseph's analysis and without objection from Petitioner, will adopt it. This action will be dismissed and Petitioner's motion for leave to proceed on a second habeas petition will be denied.

Accordingly,

IT IS ORDERED that Magistrate Judge Nancy Joseph's report and recommendation (Docket #7) be and the same is hereby **ADOPTED**;

IT IS FURTHER ORDERED that Petitioner's motion to allow a second petition for a writ of habeas corpus (Docket #2) be and the same is hereby **DENIED**;

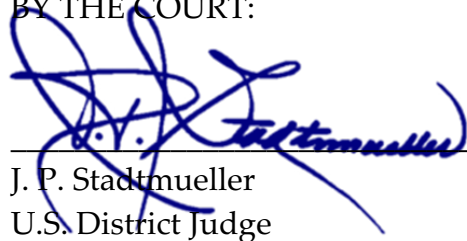
IT IS FURTHER ORDERED that a certificate of appealability as to Petitioner's petition be and the same is hereby **DENIED**; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED without prejudice** for want of jurisdiction.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 22nd day of January, 2019.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge